

## EXHIBIT 8

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ERIC SOUVANNAKANE,  
Plaintiff

v.

SEARS, ROEBUCK & CO., WILLIAM  
SULLIVAN, RICHARD SPELLMAN,  
BARBARA TAGLIARINO, KEVIN SULLIVAN,  
ALICIA COVIELLO, GARY MANSFIELD  
Defendants

Civil Action No. 0412164MLW

**AFFIDAVIT OF WILLIAM SULLIVAN**

I, William Sullivan, state as follows under penalties of perjury:

1. I have been employed by Sears, Roebuck and Company since 1975. My current position is District Loss Prevention Manager.
2. On the morning of October 17, 2003, I was notified that an oil spill had occurred in the automotive department of the Sears store in Saugus, Massachusetts. I immediately went to the store and conducted an investigation into the spill.
3. During the course of my investigation, I interviewed and took written statements from several employees, including Eladio Felix, John Baldi, Jose Hernandez, Kevin Sullivan, Andrew DiGaetono, Michael Katsaris and Gerardo Rivera.
4. Alicia Coviello, a Loss Prevention Associate at the Saugus Sears store, was present when I interviewed and took statements from each of these employees.
5. A true and accurate copy of the written statement I received from John Baldi on October 17, 2003, is attached to this affidavit as Exhibit A.

6. A true and accurate copy of the written statement I received from Micheal Katsaris on October 17, 2003, is attached to this affidavit as Exhibit B.

7. A true and accurate copy of the written statement I received from Jose Hernandez on October 17, 2003, is attached to this affidavit as Exhibit C.

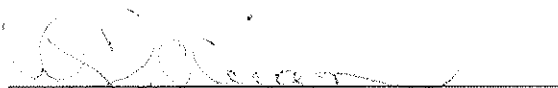
8. The witness statements attached as Exhibit A, B and C to this affidavit were obtained and kept by Sears in the ordinary course of its business.

9. Prior to my involvement in the investigation into the oil spill at the Saugus store, I had never met or heard of Eric Souvannakane.

10. At no time during the course of my investigation was I made aware of Eric Souvannakane's racial or ethnic background.

11. I first learned of Eric Souvannakane's race when I learned that he had filed a lawsuit against me and others for race discrimination.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 25 DAY  
OF OCTOBER, 2006.

  
William Sullivan

## EXHIBIT A

## STATEMENT

DATE OF STATEMENT

October 17, 2003

I, John W Baldi, an associate of Sears, Roebuck and Co., freely make the following statement to Bill Sullivan who I know to be a representative of Sears, Roebuck and Co.

I have been employed at Sears C163, since November 1, 2002 as a Tech 1; my associate number is 439919 and my Social Security number is 019640800.

On this date October 17, 2003 requested my cooperation in discussing a situation that occurred during my employment with Sears. My statement pertaining to this situation follows:

The night of October 10, 03 I did one oil change at around 5:00. There was no spill then. I noticed a small spill at about 8:30 and was told by another tech that he informed the LCSA of a "mess" down back. I came to work the morning of the 17<sup>th</sup> and was asked if and what time I did an oil change the night before. I didn't notice how large the spill became until about 8:30 that morning when I saw a tech cleaning it up.

I have read this statement, the contents of which are true facts, that have been discussed with Bill Sullivan and me on this date.

I have made this statement of my own free will. No threats or promises were made to me, as an inducement to give this statement.

SIGNED	<u>John W Baldi</u>	DATE	<u>10/17/03</u>	TIME	<u>12:45</u>
WITNESS		DATE		TIME	
WITNESS		DATE		TIME	

## EXHIBIT B

# STATEMENT

DATE OF STATEMENT

10-17-03

I, Michael Katsaris, an associate of Sears, Roebuck and Co., freely make the following statement to Bill Sullivan who I know to be a representative of Sears, Roebuck and Co.

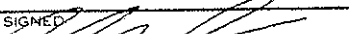
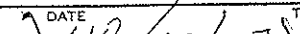
I have been employed at Sears June 12, since \_\_\_\_\_ as  
a \_\_\_\_\_; my associate number is S15007  
and my Social Security number is \_\_\_\_\_.

On this date 1-25-90 requested my cooperation in discussing a situation that occurred during my employment with Sears. My statement pertaining to this situation follows:

Q: I was doing a true job and kick over a <sup>1990</sup> ~~gas~~ Pan in front of  
I ~~gave~~ <sup>gave</sup> large Bay some budg ~~to~~ closed it off.  
when I was punching out at I checked I oil Bay  
The truck was ~~not~~ <sup>leaning</sup> against the window  
and there was a <sup>Purol</sup> ~~De~~ underst. I found Kedim <sup>or</sup> Alternates

I have read this statement, the contents of which are true facts, that have been discussed with XBC LLC Sullivan and me on this date \_\_\_\_\_

I have made this statement of my own free will. No threats or promises were made to me, as an inducement to give this statement.

SIGNED 	DATE  10/12/03	TIME 4:50
WITNESS	DATE	TIME
WITNESS	DATE	TIME

## EXHIBIT C



## STATEMENT

DATE OF STATEMENT

I, Jose Hernandez, an associate of Sears, Roebuck and Co., freely make the following statement to William Sullivan who I know to be a representative of Sears, Roebuck and Co.

I have been employed at Sears 24 years, since \_\_\_\_\_ as a \_\_\_\_\_; my associate number is \_\_\_\_\_

and my Social Security number is \_\_\_\_\_

On this date Oct 17, 2003 requested my cooperation in discussing a situation that occurred during my employment with Sears. My statement pertaining to this situation follows:

Puncher at 12:00

Started an alignment at 7:00 pm. The alignment cost app 1 hr. Eric came in at 7:00-7:30, 7:30  
Saw him in brake dept. He <sup>was</sup> with John Buel and a friend non employee. I saw him throw windshield washer fluid, then heard a bang and the barrel hit the floor. Jose turned saw barrel, Eric then picked up the barrel. Turned again saw Eric place oil pack on spill. By then the barrel was missing. ~~and~~ when Jose finished he was washing his hands. He stated to Jose, "You didn't see anything right  
Around 8:15 started working oil dept (Roger's <sup>brother</sup> car), customer saw spill, around oil barrels. He ~~didn't~~ did not say

I have read this statement, the contents of which are true facts, that have been discussed with \_\_\_\_\_

Jose Hernandez John Buel, William Sullivan and me on this date

I have made this statement of my own free will. No threats or promises were made to me, as an inducement to give this statement.

SIGNED	DATE	TIME
<u>Jose Hernandez</u>	<u>10-17-03</u>	<u>3:59</u>
WITNESS	DATE	TIME
<u>John Buel</u>	<u>10-17-03</u>	<u>3:30</u>
WITNESS	DATE	TIME

## STATEMENT

DATE OF STATEMENT

I, \_\_\_\_\_, an associate of Sears, Roebuck and Co., freely make the following statement to \_\_\_\_\_ who I know to be a representative of Sears, Roebuck and Co.

I have been employed at Sears \_\_\_\_\_, since \_\_\_\_\_ as a \_\_\_\_\_; my associate number is \_\_\_\_\_ and my Social Security number is \_\_\_\_\_.

On this date \_\_\_\_\_ requested my cooperation in discussing a situation that occurred during my employment with Sears. My statement pertaining to this situation follows:

anything to his manager Kevin Sullivan.

Written with permission of Jose Hernandez to John Reed and William Sullivan

I have read this statement, the contents of which are true facts, that have been discussed with \_\_\_\_\_

Jose Hernandez, John Reed, Bill Sullivan and me on this date.

I have made this statement of my own free will. No threats or promises were made to me, as an inducement to give this statement.

SIGNED	DATE	TIME
<u>Jose Hernandez</u>	<u>10-17-03</u>	<u>3:50p</u>
WITNESS	DATE	TIME
<u>William Sullivan</u>	<u>10-17-03</u>	
WITNESS	DATE	TIME